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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michel Lucas

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EXAMINER

LEWIS, JONATHAN V

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,183	<b>Applicant(s)</b> LUCAS ET AL.	
	<b>Examiner</b> JONATHAN LEWIS	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11, 14-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara et al. (US Pat. No. 5,699,106) in view of Mori et al. (US Pat. No. 6,191,782) in further view of Kondo et al. (US Pat. No. 6,763,522).**

Regarding claim 1, Matsubara et al. teaches a method of displaying at least one element of an interactive content on a screen intended to display data transmitted in a digital television format comprising subtitles (Fig. 6A, 601 shows subtitles sports/news), using a command interface comprising a plurality of inputs (Fig. 5 shows the command interface, the remote control), said method comprising the acts of: associating an interactive subtitle with a link table (Fig. 6A, 1 Sports; Fig. 6B shows the two choices of baseball and tennis associated with sports).

Matsubara et al. teaches all the claim limitations as stated above, except the interactive subtitle being an element of the interactive content, the link table indicating at least one correspondence between an input of the command interface and another subtitle, activating the input of the command interface corresponding to the interactive subtitle.

However, Mori et al. teaches the interactive subtitle being an element of the interactive content (Fig. 2B), the link table indicating at least one correspondence between an input of the command interface and another subtitle (Fig. 3), activating the input of the command interface corresponding to the interactive subtitle (Fig. 14).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to associate subtitles with interactive content displayed with interactive content markers, in order to provide a user terminal that can immediately display image information in a broadcasting system upon request.

Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except in response to activating the input, displaying a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, activating a further input of the command interface to select and display information associated with an item on the list displayed on the screen, in response to activating the further input, displaying the interactive subtitle including displaying simultaneously marked portions of the interactive content associated with the item of the list and markers that mark the marked portions.

However, Kondo et al. teaches in response to activating the input, displaying a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, activating a further input of the command interface to select and display information associated with an item on the list displayed on the screen, in

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response to activating the further input, displaying the interactive subtitle including displaying simultaneously marked portions of the interactive content associated with the item of the list and markers that mark the marked portions (Fig. 2B; col. 6, lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content with a list superimposed as a transparent background with an active command interface, in order to display accurate, up to date event information regarding channels of interest to a user in a easy to use EPG format.

Regarding claim 2, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except the digital television format is the DVB format and the interactive subtitles are DVB subtitles.

However, Matsubara et al. teaches the digital television format is the DVB format and the interactive subtitles are DVB subtitles (Abstract).

Regarding claim 3, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except at least one of the elements of the interactive content is a permanent page, said permanent page being defined by a particular page type.

However, Matsubara et al. teaches at least one of the elements of the interactive content is a permanent page, said permanent page being defined by a particular page type (Fig. 6A, sports and news are both permanent pages).

Regarding claim 4, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except said permanent page is transmitted in turns.

However, Matsubara et al. teaches said permanent page is transmitted in turns (col. 1, lines 59-66).

Regarding claim 5, Matsubara et al. teaches an audiovisual device for conceiving an interactive content in a digital television format comprising subtitles (col. 1, lines 50-62), said audiovisual device comprising: means for inserting the interactive content in interactive subtitles and means for associating an interactive subtitle with a link table indicating at least one correspondence between a first input of a command interface and another subtitle (col. 1, lines 50-62; Fig. 4A).

Matsubara et al. teaches all the claim limitations as stated above, except means for displaying simultaneously marked portions of the interactive content and markers that mark the marked portions.

However, Mori et al. teaches means for displaying simultaneously marked portions of the interactive content and markers that mark the marked portions (Fig. 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content markers, in order to provide a user terminal that can immediately display image information in a broadcasting system upon request.

Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except activating a second input of the command interface to display on a

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screen a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, and activating a third input of the command interface to select and display information associated with an item on the list displayed on the screen.

However, Kondo et al. teaches activating a second input of the command interface to display on a screen a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, and activating a third input of the command interface to select and display information associated with an item on the list displayed on the screen (Fig. 2B; col. 6, lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content with a list superimposed as a transparent background with an active command interface, in order to display accurate, up to date event information regarding channels of interest to a user in a easy to use EPG format.

Regarding claim 6, Matsubara et al. teaches a system for processing data transmitted in a digital television format comprising subtitles (Fig. 6A, 601 shows subtitles sports/news; Abstract), said processing system comprising: means for decoding at least an interactive subtitle comprising an element of an interactive content (Abstract), the interactive subtitle being associated with a link table indicating at least one correspondence between a first input of a command interface and another subtitle (Fig. 6A/6B – sports are associated with baseball/tennis), and means for displaying a

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subtitle on a screen as a function of an input of the command interface (col. 2, lines 3-9).

Matsubara et al. teaches all the claim limitations as stated above, except displaying simultaneously marked portions of the interactive content and markers that mark the marked portions.

However, Mori et al. teaches displaying simultaneously marked portions of the interactive content and markers that mark the marked portions (Fig. 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content markers, in order to provide a user terminal that can immediately display image information in a broadcasting system upon request.

Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except activating a second input of the command interface to display on a screen a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, and activating a third input of the command interface to select and display information associated with an item on the list displayed on the screen.

However, Kondo et al. teaches activating a second input of the command interface to display on a screen a root element of the interactive content, the root element including a list of the interactive subtitle, wherein the list has a transparent background and is superimposed on the interactive content, and activating a third input



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of the command interface to select and display information associated with an item on the list displayed on the screen (Fig. 2B; col. 6, lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content with a list superimposed as a transparent background with an active command interface, in order to display accurate, up to date event information regarding channels of interest to a user in a easy to use EPG format.

Regarding claim 7, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except a data processing system as claimed in claim 6, said processing system also comprising means for storing at least one element of the interactive content.

However, Matsubara et al. teaches a data processing system as claimed in claim 6, said processing system also comprising means for storing at least one element of the interactive content (Fig. 1, 104).

Regarding claim 8, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except a set top box comprising a processing system as claimed in claim 6 or 7.

However, Matsubara et al. teaches a set top box comprising a processing system as claimed in claim 6 or 7 (Fig. 1, 102).

Regarding claim 9, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except a communication network comprising at least a transmitter suitable for transmitting signals representing at least an

interactive content, a transmission network, a receiver suitable for receiving said signals and a data processing system as claimed in claim 6.

However, Matsubara et al. teaches a communication network comprising at least a transmitter suitable for transmitting signals representing at least an interactive content (Fig. 6A shows the interactive content), a transmission network (col. 1, lines 5-10 disclose the cable television system), a receiver suitable for receiving said signals and a data processing system as claimed in claim 6 (Fig. 1, 102).

Regarding claim 11, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except the list is placed at a corner of the screen to not hinder visualization of the interactive content while having access to a textual information contained in the list.

However, Kondo et al. teaches the list is placed at a corner of the screen to not hinder visualization of the interactive content while having access to a textual information contained in the list (Fig. 2C).

Regarding claim 14, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except wherein the interactive subtitle is transmitted in synchronism with the interactive content and changes as different interactive content is displayed on the screen.

However, Mori et al. teaches wherein the interactive subtitle is transmitted in synchronism with the interactive content and changes as different interactive content is displayed on the screen (col. 6, lines 9-37).

Apparatus and system claims 15, 18-20 are rejected for the same reasons as stated above in the corresponding method claims.

**Claims 12-13, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara et al. (US Pat. No. 5,699,106) in view of Mori et al. (US Pat. No. 6,191,782) in further view of Kondo et al. (US Pat. No. 6,763,522) in further view of Seidman et al. (US Pat. No. 6,298,482) in further view of Dougherty et al. (US Pat. No. 6,198,509).**

Regarding claim 12, Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except the item includes people displayed on the screen, and in response to activating the further input, the people are marked.

However, Seidman et al. teaches the item includes people displayed on the screen, and in response to activating the further input, the people are marked (col. 5, lines 23-43).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to mark people on the display screen according to input, in order to customize content with the user's participation, thereby allowing the user to navigate through databases.

Matsubara et al. in view of Mori et al. in further view of Kondo et al. teaches all the claim limitations as stated above, except the markers that mark includes numbers for selection by activating inputs of the command interface associated with the numbers.

However, Dougherty et al. teaches the markers that mark includes numbers for selection by activating inputs of the command interface associated with the numbers (Fig. 1; col. 18, lines 28-47).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to have selectable, numbered markers associated with a command interface, in order to provide customized interactive information based on the identified marker.

Apparatus claims 16 and 17 are rejected for the same reasons above in the corresponding method claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Houser et al. US Pat. No. 5,774,859
- b. Katcher et al. US Pat. No. 7,343,617
- c. Hendricks et al. US Pat. No. 7,168,084
- d. Vallone et al. US Pat. No. 6,642,939
- e. Orlick US Pat. No. 7,487,529
- f. Markel US PG Pub. No. 2003/0149983
- g. Jain et al. US Pat. No. 5,729,471
- h. Bove, Jr. et al. US Pat. No. 7,249,367

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is

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(571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425